

SENATE BILL 3334
By Beavers

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 12; Title 5, Chapter 21; Title 5, Chapter 5; Title 67, Chapter 1, Part 6 and Title 67, Chapter 5, relative to the taxation of property by counties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-5-123, is amended by deleting the words "The county legislative body" and substituting the language "Subject to the requirements of Section 67-1-604, the county legislative body".

SECTION 2. Tennessee Code Annotated, Section 5-12-109, is amended by adding the following new subsection:

(d) Adoption of the proposed tax rate shall be subject to the requirements of Section 67-1-604.

SECTION 3. Tennessee Code Annotated, Section 5-12-210, is amended by adding the following new subsection:

(g) Notwithstanding the provisions of subsection (e), the proposed tax rate shall be subject to the requirements of Section 67-1-604.

SECTION 4. Tennessee Code Annotated, Section 5-21-111, is amended by adding the following new subsection:

(h) Adoption of the proposed tax rate shall be subject to the requirements of Section 67-1-604.

SECTION 5. Tennessee Code Annotated, Section 67-1-601, is amended by deleting the words "A county legislative body" and substituting the language "Subject to the requirements of Section 67-1-604, a county legislative body".

SECTION 6. Tennessee Code Annotated, Title 67, Chapter 1, Part 6, is amended by adding the following new section:

Section 67-1-604

(a) Before any tax rate set pursuant to Section 67-1-601 shall become effective, the county election commission shall conduct a special election at which the voters of the county may vote to approve or disapprove the proposed rate. Such election shall be conducted in accordance with the provisions of Title 2, Chapters 12 and 14. If the proposed rate is approved at the election, it shall become effective as provided in the ordinance or resolution setting the rate. If the proposed rate is not approved at the election, the prior rate shall remain in effect for the tax year. Voters at the special election shall have the same qualifications as provided in Title 2 for voters in other county elections. The vote shall be canvassed and certified as provided in Title 2.

(b) The provisions of this section shall only apply in counties which adopt its provisions by a two-thirds (2/3) vote of the county commission. Adoption of the provisions of this section shall be certified by the presiding officer of the county commission to the secretary of state and to the comptroller of the treasury.

SECTION 7. Tennessee Code Annotated, Section 67-5-102(a)(2), is amended by deleting the words "of each county" and by substituting the language "of each county, subject to the requirements of Section 67-1-604".

SECTION 8. Tennessee Code Annotated, Section 67-5-510, is amended by deleting the words "It is the duty of the county legislative bodies" and substituting the language "It is the duty of the county legislative bodies, subject to the requirements of Section 67-1-604,".

SECTION 9. Tennessee Code Annotated, Section 67-5-1702, is amended by adding the following new subsection:

(d) The determination of the certified tax rate shall be subject to the provisions of Section 67-1-604.

SECTION 10. Tennessee Code Annotated, Section 67-5-1702, is amended by adding the following new subdivision:

(3) The tax rate has been approved as provided in Section 67-1-604.

SECTION 11. Tennessee Code Annotated, Section 67-5-1703(c), is amended by deleting the words “without further notice” and by substituting the language “without further notice, but subject to the requirements of Section 67-1-604”.

SECTION 12. This act shall take effect July 1, 2004, the public welfare requiring it, but shall only apply to counties voting to adopt its provisions as provided in Section 6.